IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5669 of 2007()

CRIME NO.216/2006 OF THENHIPALAM POLICE STATION]
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PETITIONERS/ACCUSED 3 & 2
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1. P.RADHAKRISHNAN, S/O. CHOYIKUTTY,
KRISHNA BHAVAN, P.O.PULLIPARAMBA,
CHELEMBRA AMSOM DESOM, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

2. P.VELAYUDHAN, S/O. THAMI,
PUZHAI HOUSE, CHELEMBRA P.O., CHELEMBRA AMSOM
DESOM, TIRURANGADI TALUK, MALAPPURAM DISTRICT.

BY ADV. SMT. JANCY C.C.

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5669 of 2007

Dated this the 19th day of September 2007

O R D E R

Second application for anticipatory bail. The petitioners face allegations for offences punishable inter alia under Sections 420 and 406 I.P.C. The earlier application for anticipatory bail was dismissed by this court as per order dated 22/8/2007 in B.A.No.5133/2007. That petition was dismissed subject to observations. The petitioners have again come to this court with a renewed prayer for anticipatory bail.

2. The first question which the petitioners will have to answer is about the change of circumstances which justify or warrant a fresh consideration of a subsequent application for anticipatory bail. The learned counsel for the petitioners submits that the first petitioner is sick and that is the reason for approaching this court again.

3. I am certainly of the opinion that it is for the petitioners to appear before the learned Magistrate and seek regular bail. The alleged illness of the first petitioner can

certainly be a relevant circumstance when the learned Magistrate considers the application for bail under Section 437 Cr.P.C. The petitioners can apprise the learned Magistrate of alleged illness, if any, with which they are afflicted. I find no reason to entertain a fresh application for anticipatory bail now.

4. This petition is accordingly dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007